



General Assembly

February Session, 2006

***Raised Bill No. 5783***

LCO No. 2941

\*02941\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING THE PRIVACY OF TELEPHONE RECORDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2006*) As used in sections 2 and  
2       3 of this act:

3       (1) "Individually identifiable consumer information" means any  
4       information that identifies a particular consumer including name,  
5       address, telephone number, calling history and activity, billing records  
6       and unlisted telephone numbers; and

7       (2) "Telecommunications company" shall have the same meaning as  
8       provided in subsection (a) of section 16-1 of the 2006 supplement to the  
9       general statutes.

10       Sec. 2. (NEW) (*Effective October 1, 2006*) Except as provided in 47  
11       USC 222(d) or as otherwise authorized by law, no telecommunications  
12       company shall disclose any individually identifiable consumer  
13       information unless the consumer has provided written authorization  
14       for such disclosure that is separate from any other document and  
15       contains in clear, conspicuous type the following notice:

16 "INDIVIDUALLY IDENTIFIABLE CONSUMER INFORMATION  
17 MAY BE USED TO STEAL YOUR IDENTITY. SIGNING THIS  
18 DOCUMENT ALLOWS THE TELECOMMUNICATIONS COMPANY  
19 TO DISCLOSE INDIVIDUALLY IDENTIFIABLE CONSUMER  
20 INFORMATION TO OTHERS. YOU DO NOT NEED TO SIGN THIS  
21 AUTHORIZATION IN ORDER TO RECEIVE  
22 TELECOMMUNICATIONS SERVICES".

23       Sec. 3. (NEW) (*Effective October 1, 2006*) (a) Each telecommunications  
24 company shall maintain reasonable procedures to prohibit  
25 unauthorized disclosure of or illegal access to individually identifiable  
26 consumer information including, but not limited to, the offering of  
27 personal identification numbers and other procedures for consumers  
28 to protect the confidentiality of their individually identifiable  
29 consumer information.

30       (b) Before any telecommunications company discloses any  
31 individually identifiable consumer information upon request of any  
32 person, the telecommunications company or its agent shall verify the  
33 identity of the person making the request and that such person is  
34 authorized to receive such information. The telecommunications  
35 company shall also require the person making the request to certify  
36 that such person is authorized by law to receive such information and  
37 will use such information solely for the purposes allowed by such  
38 authorization. The telecommunications company shall refuse to  
39 disclose individually identifiable consumer information to the person  
40 making the request if the company cannot reasonably verify the  
41 identity of such person or has reason to believe that such person is not  
42 authorized to receive such information.

43       (c) A violation of this section shall constitute an unfair or deceptive  
44 trade practice under subsection (a) of section 42-110b of the general  
45 statutes

46       Sec. 4. Section 53a-129a of the general statutes is repealed and the  
47 following is substituted in lieu thereof (*Effective October 1, 2006*):

48 (a) A person commits identity theft when such person intentionally  
49 obtains personal identifying information of another person without the  
50 authorization of such other person and uses that information to obtain  
51 or attempt to obtain, money, credit, goods, services, property or  
52 medical information in the name of such other person without the  
53 consent of such other person.

54 (b) As used in this section, "personal identifying information" means  
55 any name, number or other information that may be used, alone or in  
56 conjunction with any other information, to identify a specific  
57 individual including, but not limited to, such individual's name, date  
58 of birth, mother's maiden name, motor vehicle operator's license  
59 number, Social Security number, employee identification number,  
60 employer or taxpayer identification number, alien registration number,  
61 government passport number, health insurance identification number,  
62 demand deposit account number, savings account number, credit card  
63 number, debit card number, individually identifiable consumer  
64 information, as defined in section 1 of this act, or unique biometric  
65 data such as fingerprint, voice print, retina or iris image, or other  
66 unique physical representation.

67 Sec. 5. Section 52-571h of the general statutes is repealed and the  
68 following is substituted in lieu thereof (*Effective October 1, 2006*):

69 (a) Any person aggrieved by an act constituting a violation of  
70 section 53a-129a of the general statutes, revision of 1958, revised to  
71 January 1, 2003, or section 53a-129b, 53a-129c or 53a-129d, including a  
72 telecommunications company with respect to individually identifiable  
73 consumer information, as defined in section 1 of this act, may bring a  
74 civil action in the Superior Court for damages against the person who  
75 committed the violation.

76 (b) In any civil action brought under this section in which the  
77 plaintiff prevails, the court shall award the greater of [one] ten  
78 thousand dollars or treble damages, together with costs and a  
79 reasonable attorney's fee.

80 (c) No action under this section shall be brought but within two  
81 years from the date when the violation is discovered or in the exercise  
82 of reasonable care should have been discovered.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	New section
Sec. 2	<i>October 1, 2006</i>	New section
Sec. 3	<i>October 1, 2006</i>	New section
Sec. 4	<i>October 1, 2006</i>	53a-129a
Sec. 5	<i>October 1, 2006</i>	52-571h

***Statement of Purpose:***

To restrict the disclosure of telephone records by telecommunications companies to third parties, require telecommunications companies to take steps to prevent unauthorized disclosure of telephone records and increase the minimum amount of damages awarded in a civil action for identity theft.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*